



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In Re: U.S. Patent 6,733,767
Issued: May 11, 2004
To: Rey T. Chern, et al.
Assignee: Merck Sharpe & Dohme Corp.
For: LIQUID POLYMERIC COMPOSITIONS FOR
CONTROLLED RELEASE OF BIOACTIVE
SUBSTANCES

EXPRESS MAIL CERTIFICATE
DATE OF DEPOSIT 1-5-2012
EXPRESS MAIL NO. EV42253727345
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
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SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE"
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MAILED BY Christine Kanellos
DATE 1/5/2012

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. § 1.182 TO WAIVE THE PROHIBITION IN THE LEGAL
FRAMEWORK OF THE OFFICE'S ELECTRONIC FILING SYSTEM (EFS)**

Sir:

In accordance with 37 C.F.R. § 1.182 Applicants hereby petition to the Commissioner of Patents and Trademark to waive the prohibition in the legal framework of the Office's Electronic Filing System (EFS), which bars the filing of an initial application for patent term extension under 35 U.S.C. § 156 via EFS, allow Applicants an opportunity to comply with the filing requirements of 37 C.F.R. § 1.740, and treat the initial application for patent term extension (PTE) as timely filed.

Through a misunderstanding, on November 9, 2011 an initial application for PTE pursuant to the provisions of 35 U.S.C. § 156 was timely filed via the Office EFS. Evidence of said filing can be found in the attached EFS acknowledgement receipt where the phrase "PTE Interim Patent Extension Filed" is indicated. The application was filed well within the requirement that it be made no later than 60 day from receipt of marketing approval (November 25, 2011). To effectuate a proper PTE filing, Applicants herein seek a waiver of the EFS legal framework and an opportunity to comply with 37 C.F.R. § 1.740(b). Pursuant to 37

06/05/2012 CKHLOK 00000011 132755 6733767

01 FC:1462 400.00 DA

01/06/2012 HBLANCO 00000032 132755 6733767
02 FC:1464 130.00 DA

C.F.R. § 1.740(b) enclosed is the original PTE application along with two copies certified as such.

Please charge deposit account number 13-2755 the \$130.00 fee pursuant to 37 C.F.R. § 1.17(h). Any deficiency or overpayment should be charged or credited to deposit account number 13-2755.

Respectfully submitted,

By

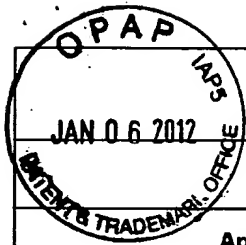

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Date: January 5, 2012



Electronic Acknowledgement Receipt

EFS ID:	11372987
Application Number:	09271098
International Application Number:	
Confirmation Number:	3620
Title of Invention:	LIQUID POLYMERIC COMPOSITIONS FOR CONTROLLED RELEASE OF BIOACTIVE SUBSTANCES
First Named Inventor/Applicant Name:	REY T. CHERN
Customer Number:	210
Filer:	Sylvia Ann Ayler/Christine Kanellidis
Filer Authorized By:	Sylvia Ann Ayler
Attorney Docket Number:	20023Y
Receipt Date:	09-NOV-2011
Filing Date:	18-MAR-1999
Time Stamp:	17:08:27
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$1120
RAM confirmation Number	3957
Deposit Account	132755
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	20023-Transmittal-PTE.pdf	49751	no	1
			4de6c9cdfc78b3a97b4964efd5b59ce4d282790b		
Warnings:					
Information:					
2	PTE Interim Patent Extension filed	20023-PTE-09NOV2011.pdf	560239	no	13
			c0f2ba2f281ec8af50e9fc5785dc7c758ceb84		
Warnings:					
Information:					
3	Power of Attorney	AttachmentA-POA.pdf	171518	no	2
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Warnings:					
Information:					
4	PTE Interim Patent Extension filed	AttachmentB-US6733767.pdf	1286658	no	15
			f4bc47ba3152c1b50886b5db45f3dea0d336d9b		
Warnings:					
Information:					
5	PTE Interim Patent Extension filed	AttachmentC.pdf	101622	no	2
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Information:					
6	PTE Interim Patent Extension filed	AttachmentD.pdf	380005	no	4
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7	PTE Interim Patent Extension filed	AttachmentE.pdf	54104	no	1
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Information:					
8	PTE Interim Patent Extension filed	AttachmentF.pdf	151717	no	4
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Warnings:					
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9	PTE Interim Patent Extension filed	AttachmentG.pdf	297037 3669a67ec8d9c9222e0d82b056487b37aa d5b6	no	6
Warnings:					
Information:					
10	Fee Worksheet (SB06)	fee-info.pdf	30396 4da8c059ea2789e68f80411a49c598e3577 e10a2	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			3083047		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					